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Fifty-first session
THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Armenia, Austria, Brazil, China, Colombia*, Costa Rica, Dominican Republic, El Salvador, France, Mexico, Turkey and Uruguay: draft resolution

Right to development

The General Assembly,

Reaffirming the Declaration on the Right to Development,[1] which it proclaimed at its forty-first session,

Noting that 4 December 1996 marks the tenth anniversary of the adoption of the Declaration on the Right to Development, which represents a landmark and a meaningful instrument for countries and people worldwide,

Reaffirming the commitment contained in the Charter of the United Nations to promote social progress and better standards of life in larger freedom,

Recalling its resolutions 45/97 of 14 December 1990, 46/123 of 17 December 1991, 47/123 of 18 December 1992, 48/130 of 20 December 1993, 49/183 of 23 December 1994 and 50/184 of 22 December 1995 and those of the Commission on Human Rights relating to the right to development, and taking note of Commission resolution 1996/15 of 11 April 1996,

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* On behalf of the Movement of Non-Aligned Countries.

[1] Resolution 41/128, annex.

Recalling also the report on the Global Consultation on the Realization of the Right to Development as a Human Right,[2]

Recalling further the principles proclaimed in the Rio Declaration on Environment and Development of 14 June 1992,[3]

Mindful that the Commission on Human Rights continues to consider this matter, which is directed towards the implementation and further enhancement of the right to development,

Noting the need for coordination and cooperation throughout the United Nations system for a more effective promotion of the right to development,

Recognizing that the United Nations High Commissioner for Human Rights and the Centre for Human Rights of the Secretariat have important roles to play in the promotion and protection of the right to development,

Reaffirming the need for action at the national and international levels by all States to realize all human rights, and the need for relevant evaluation mechanisms to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Welcoming the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[4] which reaffirms the right to development as a universal and inalienable right and an integral part of all fundamental human rights and reaffirms that the human person is the central subject of development,

Recalling that the Vienna Declaration and Programme of Action examined the relationship between democracy, development and human rights, and recognizing the importance of creating a favourable environment in which everyone may enjoy their human rights as set out in the Vienna Declaration and Programme of Action,

Recalling also that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights, and recognizing that all human rights are universal, indivisible, interdependent and interrelated and that the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured,

Noting that aspects of the Programme of Action of the International Conference on Population and Development, adopted by the Conference on

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[2] E/CN.4/1990/9/Rev.1.

[3] See Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1) (United Nations publication, Sales No. 93.I.8 and corrigenda), vol. I: Resolutions Adopted by the Conference, resolution 1, annex I.

[4] A/CONF.157/24 (Part I), chap. III.

13 September 1994,[5] the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, adopted by the World Summit on 12 March 1995,[6] the Beijing Declaration and the Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995,[7] and the United Nations Conference on Human Settlements (Habitat II), held at Istanbul from 3 to 14 June 1996, are relevant to the universal realization of the right to development, within the context of promoting and protecting all human rights,

Expressing concern that there still exist obstacles to the realization of the right to development, both at the national and international levels, ten years after the adoption of the Declaration on the Right to Development,

Noting that the first session of the Intergovernmental Group of Experts established by the Commission on Human Rights to elaborate a strategy for the implementation and promotion of the right to development, as set forth in the Declaration on the Right to Development, in its integrated and multidimensional aspects, was held at Geneva from 4 to 15 November 1996,

Having considered the report of the Secretary-General on the right to development prepared pursuant to General Assembly resolution 50/184,[8]

1. Reaffirms the importance of the right to development for every human person and all peoples in all countries, in particular the developing countries, as an integral part of fundamental human rights;

2. Urges States to pursue the promotion and protection of economic, social, cultural, civil and political rights and the implementation of comprehensive development programmes, integrating these rights into development activities;

3. Takes note of the report of the Secretary-General on the right to development;

4. Reiterates its commitment to implementing the results of the World Conference on Human Rights, which reaffirm that all human rights are universal, indivisible, interdependent and interrelated and that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing;

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[5] Report of the International Conference on Population and Development, Cairo, 5-13 September 1994 (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution I, annex.

[6] A/CONF.166/9, chap. I, resolution 1, annexes I and II.

[7] A/CONF.177/20, chap. I, resolution 1, annexes I and II.

[8] A/51/539.

5. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-third session a report on the implementation of Commission resolution 1996/15;

6. Reiterates that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level;

7. Calls upon the Commission on Human Rights to consider carefully the report of the first session of the Intergovernmental Group of Experts to elaborate a strategy for the implementation and promotion of the right to development, as set forth in the Declaration on the Right to Development, in its integrated and multidimensional aspects, bearing in mind the conclusions of the Working Group on the Right to Development, established by the Commission on Human Rights in its resolution 1993/22 of 4 March 1993, and the conclusions of the World Conference on Human Rights and of the United Nations Conference on Environment and Development, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the United Nations Conference on Human Settlements (Habitat II);

8. Notes the efforts made by the United Nations High Commissioner for Human Rights within his mandate, and encourages him to continue coordination of the various activities with regard to the implementation of the Declaration on the Right to Development, including a programmatic follow-up to the establishment in the Centre for Human Rights of the Secretariat of a new branch, the primary responsibilities of which include the promotion of the right to development, as part of the effort to implement the Vienna Declaration and Programme of Action;

9. Requests the United Nations High Commissioner for Human Rights, within his mandate, to continue to take steps for the promotion and protection of the right to development by, inter alia, working in conjunction with the Centre for Human Rights and drawing on the expertise of the funds, programmes and specialized agencies of the United Nations system related to the field of development;

10. Requests the Secretary-General to inform the Commission on Human Rights at its fifty-third session and the General Assembly at its fifty-second session of the activities of the organizations, funds, programmes and specialized agencies of the United Nations system on the implementation of the Declaration on the Right to Development, as well as obstacles identified by them to the realization of the right to development;

11. Calls upon all Member States to make further concrete efforts at the national and international levels to remove the obstacles to the realization of the right to development;

12. Calls upon the Commission on Human Rights to continue to make proposals to the General Assembly through the Economic and Social Council, on the future course of action on the question, in particular on practical measures

for the implementation and enhancement of the Declaration on the Right to Development, including comprehensive and effective measures to eliminate obstacles to its implementation, taking into account the conclusions and recommendations of the Global Consultation on the Realization of the Right to Development as a Human Right, the reports of the Working Group on the Right to Development and the report of the Intergovernmental Group of Experts to elaborate a strategy for the implementation and promotion of the right to development;

13. Calls upon all States to address, within the declarations and programmes of action adopted by the relevant international conferences convened by the United Nations, the elements for the promotion and protection of the principles of the right to development as set out in the Declaration on the Right to Development;

14. Requests the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-second session;

15. Decides to consider this question at its fifty-second session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

China and Colombia*: draft resolution

Enhancement of international cooperation in the field of human rights

The General Assembly,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights,

Reaffirming its commitment to promote international cooperation set forth in the Charter of the United Nations, in particular in its Article 1.3, as well as relevant provisions of the Vienna Declaration and Programme of Action,[1] to enhance genuine cooperation among Member States in the field of human rights,

Encouraging the Working Group on Human Rights of the Third Committee to continue its efforts to implement paragraph 17, part II, of the Vienna Declaration and Programme of Action, giving due consideration to ways and means to promote international cooperation in the field of human rights with a view to accomplishing its mandate before the conclusion of the fifty-first session of the General Assembly,

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* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

1. Supports the consultations initiated during the fifty-second session of the Commission on Human Rights on the need to promote international cooperation through genuine and constructive dialogue on the basis of mutual respect and equality of States;

2. Requests the Chairman of the Commission on Human Rights, in carrying out the task assigned to him, to pursue the matter with a view to reaching a successful conclusion of this initiative, preferably by the fifty-third session of the Commission on Human Rights.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Afghanistan, Albania, Andorra, Bosnia and Herzegovina, Canada, Chile, Iceland, Jordan, Kuwait, Kyrgyzstan, Malaysia, Morocco, Pakistan, Qatar, San Marino, Saudi Arabia, Senegal, Tunisia, Turkey, United Arab Emirates and United States of America: draft resolution

Situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Prevention and Punishment of the Crime of Genocide[4] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[5]

Taking note with concern of the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] Resolution 260 A (III).

[5] Resolution 39/46, annex.

the former Yugoslavia which describe the continuing grave human rights situation in Kosovo, including in particular police brutality, killings resulting from such violence, arbitrary searches and arrests, torture and ill-treatment of detainees, the deliberate maltreatment, persecution and imprisonment of political and human rights activists, the mass dismissals of civil servants, discrimination against pupils and teachers, acts which are mainly perpetrated against ethnic Albanians,

Welcoming, as a first step, the recent signature of a memorandum of understanding concerning the educational system in the Albanian language in Kosovo and calling for the proper implementation of that memorandum,

Appreciating efforts to monitor the situation in Kosovo, but at the same time expressing regret at the fact that the establishment of an adequate international monitoring presence in Kosovo has not yet been achieved,

Recalling its resolution 50/190 of 22 December 1995 and other relevant resolutions, and taking note of the resolutions on the matter adopted by the Commission on Human Rights at its fifty-second session and the Subcommission on Prevention of Discrimination and Protection of Minorities, at its forty-eighth session,

1. Condemns all violations of human rights in Kosovo, in particular the repression of the ethnic Albanian population and discrimination against them, as well as all acts of violence in Kosovo;

2. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, the discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment, and to revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(b) Release all political prisoners and cease the persecution of political leaders and members of local human rights organizations;

(c) Allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;

(d) Allow the reopening of educational, cultural and scientific institutions of the ethnic Albanians;

(e) Pursue constructive dialogue with the representatives of ethnic Albanians in Kosovo;

3. Welcomes the visits to Kosovo of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of

the former Yugoslavia and her relevant reports and calls upon her to continue to monitor closely the human rights situation in Kosovo and to continue to pay due attention to this matter in her reporting;

4. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate unconditional return of the long-term mission of the Organization for Security and Cooperation in Europe to Kosovo, called for in Security Council resolution 855 (1993) of 9 August 1993;

5. Welcomes the report of the Secretary-General submitted pursuant to resolution 50/190,[6] and requests him to continue his efforts to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly at its fifty-second session;

6. Encourages the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to taking urgent practical steps to tackle the critical needs of the people in Kosovo, especially of the most vulnerable groups affected by the conflict, and to assist in the voluntary return of displaced persons to their homes in conditions of safety and dignity;

7. Emphasizes the importance of laws and regulations concerning citizenship applied by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) being in accordance with the standards and principles of non-discrimination, equal protection before the law, and the reduction and avoidance of statelessness, as set out in the relevant international human rights instruments;

8. Decides to continue examination of the human rights situation in Kosovo at its fifty-second session under the item entitled "Human rights questions".

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[6] A/51/556.

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Angola, Argentina, Barbados, Bolivia, Brazil, Burundi, Cambodia, Cameroon, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, France, Georgia, Ghana, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Ireland, Israel, Jordan, Kenya, Kyrgyzstan, Malta, Monaco, Morocco, Mozambique, Namibia, Nicaragua, Niger, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Samoa, Senegal, Sierra Leone, Slovenia, South Africa, Spain, Suriname, Tunisia, Turkey, Uruguay and Venezuela: draft resolution

Culture of peace

The General Assembly,

Recalling the preamble to the Charter of the United Nations and the purposes and principles of the United Nations,

Recalling its resolution 50/173 of 22 December 1995 entitled "United Nations Decade for Human Rights Education: towards a culture of peace", in which it expressed satisfaction with the transdisciplinary project adopted by the United Nations Educational, Scientific and Cultural Organization entitled "Towards a culture of peace", in particular unit 1, entitled "Education for peace, human rights, democracy, international understanding and tolerance",

Considering that the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004[1] will make a fundamental contribution to understanding and peace and is consistent with the transdisciplinary project entitled "Towards a culture of peace",

Taking note of the World Plan of Action on Education for Human Rights and Democracy,[2] adopted by the International Congress on Education for Human Rights and Democracy convened by the United Nations Educational, Scientific and Cultural Organization at Montreal from 8 to 11 March 1993, the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004, and all relevant provisions included in the declarations and programmes of action adopted in the series of international conferences celebrated under the auspices of the United Nations,

Emphasizing the need for a practical approach that can lead, through sustainable human development and the promotion of tolerance, dialogue and solidarity, to cooperation and the prevention of violence, and thus to the consolidation of peace,

Considering the important results of the two international forums for a culture of peace, hosted by El Salvador in February 1994 and by the Philippines, in November 1995,

Considering also the practical lessons learned from the National Culture of Peace Programmes of the United Nations Educational, Scientific and Cultural Organization in Burundi, the Congo, El Salvador, Guatemala Mozambique, the Philippines, Rwanda and Somalia, whereby projects in the fields of competence of the United Nations Educational, Scientific and Cultural Organization, in particular in education, have been planned and are being implemented through a process involving all parties concerned;

1. Welcomes the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization on the transdisciplinary project entitled "Towards a culture of peace";[3]

2. Expresses deep concern about the proliferation of violence and conflicts of a diverse nature in various parts of the world;

3. Calls for the promotion of a culture of peace based on the principles established in the Charter of the United Nations, the respect for human rights, democracy, tolerance, dialogue, cultural diversity and reconciliation, and efforts to promote development, education for peace, the free flow of information and the wider participation of women, as an integral approach to prevent violence and conflicts and to contribute to the creation of conditions for peace and its consolidation;

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[1] A/49/26/Add.1-E/1994/110/Add.1, annex.

[2] See A/CONF.157/PC/42/Add.6.

[3] A/51/395, annex.

4. Welcomes with satisfaction the memorandum of understanding between the Director-General of the United Nations Educational, Scientific and Cultural Organization and the United Nations High Commissioner for Human Rights, done in Paris on 19 October 1995;

5. Welcomes the creation of the Felix H. Boigny Prize on the Research for Peace, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twenty-fifth session, the biennial prize awarded by the United Nations Educational, Scientific and Cultural Organization for the teaching of human rights and the annual prize for peace education;

6. Requests the Secretary-General, in coordination with the Director-General of the United Nations Educational, Scientific and Cultural Organization, to report to the General Assembly at its fifty-second session on the implementation of the present resolution and on the progress of educational activities within the framework of the transdisciplinary project entitled "Towards a culture of peace", including the preparation of elements for a draft provisional declaration and programme of action on a culture of peace;

7. Decides to continue the consideration of the question of a culture of peace under an appropriate agenda item at its fifty-second session.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, Norway, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The situation of human rights in the Sudan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] and the Convention on the Rights of the Child,[4]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to comply with the obligations laid down in the various instruments in this field,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] Resolution 44/25, annex.

Recalling the obligation by all parties to respect international humanitarian law,

Recalling also its resolution 50/197 of 22 December 1995, and taking note of Commission on Human Rights resolution 1996/73 of 23 April 1996,

Noting with deep concern reports of grave human rights violations in the Sudan, in particular summary executions, detentions without trial, forced displacement of persons and torture, as described in reports submitted to the Commission on Human Rights by the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on the question of religious intolerance,

Welcoming the fourth and latest interim report of the Special Rapporteur on the situation of human rights in the Sudan,[5] and noting with concern the continuing violations of human rights in the Sudan,

Concerned about continuing deliberate and indiscriminate aerial bombardments by the Government of the Sudan of civilian targets in southern Sudan, in clear violation of international humanitarian law, which have added to the suffering of the civilian population and resulted in casualties to civilians, including relief workers involved in Operation Lifeline Sudan and international private voluntary agencies,

Welcoming the lifting in July 1996 of restrictions on aircraft employed to deliver humanitarian assistance, yet deeply concerned by the continued denial of flight clearances to affected areas, which exacerbates the threat to human life,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, including members of ethnic minorities who have been forcibly displaced in violation of their human rights and who are in need of relief assistance and protection,

Noting that the Special Rapporteur on the situation of human rights in the Sudan and the Special Rapporteur on religious intolerance carried out missions to the Sudan in 1996, as requested by the General Assembly in its resolution 50/197,

Deeply concerned by the conclusion of the Special Rapporteur, also stated in his previous reports, that grave and widespread violations of human rights by government agents, as well as abuses by members of parties to the conflict in southern Sudan other than the Government of the Sudan, continue to take place in the zones controlled by them, including extrajudicial killings, enforced or involuntary disappearances, abductions, slavery, systematic torture and widespread arbitrary arrests of suspected political opponents, as well as restrictions on religious minorities,[6]

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[5] A/51/490, annex.

[6] Ibid., sect. III.A.

Welcoming the establishment by the Government of the Sudan of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery,

Alarmed by the continuing failure of the Sudanese authorities to investigate human rights violations and abuses brought to their attention over the past years,

Gravely alarmed that since February 1994 there have been increasing reports from a wide variety of sources indicating that atrocities by the Government of the Sudan against the local population in the area of the Nuba Mountains have intensified,

Welcoming the commitment by the Government of the Sudan to facilitate the improved flow of information, as well as its stated strong commitment to cooperate with the competent United Nations bodies and agencies, including the Special Rapporteur,

Concerned by reports of religious persecution in areas of the conflict zone controlled by the Government of the Sudan and of discrimination based upon religion in the provision of shelter and relief,

Deeply concerned by the Special Rapporteur's conclusion that the abduction of persons, mainly women and children, belonging to ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingassena Hills area, and their subjection to the slave trade, servitude and forced labour are taking place with the knowledge of the Government of the Sudan,

Welcoming the dialogue and contacts between non-governmental organizations and the religious minorities in the Sudan aimed at improving relations between the Government of the Sudan and the religious minority groups,

Noting that the Government of the Sudan has taken steps towards a larger degree of cooperation with some international organizations, with special attention to the rights of Sudanese children, and hoping that these efforts will be enhanced in the future,

Deeply concerned about the problem of unaccompanied minors and the use of children as soldiers by all parties despite repeated calls from the international community to put an end to this practice, as described in the report of the Special Rapporteur,[7]

1. Expresses deep concern at the serious, widespread and continuing human rights violations in the Sudan, including extrajudicial killings and summary executions; detentions without due process; violations of the rights of women and children; forced displacement of persons; enforced or involuntary disappearances; torture and other forms of cruel and unusual punishment; slavery, practices similar to slavery and forced labour; denial of the freedoms

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[7] Ibid., para. 34.

of expression, association and peaceful assembly; and discrimination based on religion;

2. Calls upon the Government of the Sudan to comply with applicable international human rights instruments to which the Sudan is a party, in particular the International Covenants on Human Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Rights of the Child,[4] the Slavery Convention, as amended,[8] and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery,[9] to implement those instruments to which it is a party and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

3. Urges the Government of the Sudan to ensure that all cases of slavery, servitude, slave trade, forced labour and similar practices brought to its attention are investigated and all appropriate measures are implemented to put an immediate end to these practices;

4. Expresses its hope that the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery will contribute effectively to improving the human rights situation in the Sudan;

5. Welcomes the statement by the Government of the Sudan, as reported by the Special Rapporteur,[10] in which it pledged its logistical support to national, regional and international organizations to join the investigations of alleged cases of involuntary disappearance and slavery, and, accordingly, calls upon the Government to grant international human rights and humanitarian organizations and independent observers free and unimpeded access to all areas where these violations have been reported;

6. Welcomes the interim report of the Special Rapporteur to the General Assembly, and his recent report to the Commission on Human Rights,[11] and expresses its continuing support for his work;

7. Continues to urge the placement of human rights monitors in such locations as will facilitate improved information flow and assessment and independent verification of reporting, with particular attention to violations and abuses of human rights in areas of armed conflict, as recommended by the Special Rapporteur;[12]

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[8] United Nations, Treaty Series, vol. 212, No. 2861.

[9] Ibid., vol. 266, No. 3822.

[10] A/51/490, annex, para. 43 (b).

[11] E/CN.4/1996/62.

[12] A/51/490, annex, para. 52 (c).

8. Urges the Government of the Sudan to cease immediately all aerial attacks on civilian targets and other attacks that are in violation of international humanitarian law;

9. Calls upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949,[13] and the Additional Protocols thereto, of 1977,[14] to halt the use of weapons against the civilian population and to protect all civilians, including women, children and members of ethnic and religious minorities, from violations, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions, and deplores the consequences for innocent civilians of the use of landmines by government and rebel forces alike;

10. Again calls upon the Government of the Sudan and all paries to allow Operation Lifeline Sudan, international agencies, humanitarian organizations and donor Governments unimpeded access to civilian populations to deliver humanitarian assistance to all persons in need;

11. Welcomes the reported release of female detainees with children and any other activities designed to assist such persons, and encourages the Government of the Sudan to work actively for the eradication of practices that are directed against and in particular violate the human rights of women and girls, in full cooperation with the international organizations active in the Sudan and focusing on the question, including the office of the United Nations Children's Fund in Khartoum;

12. Urges the Government of the Sudan to take all steps necessary to improve the situation of the most vulnerable groups of the society, the women, children and ethnic and religious minorities living in the conflict zones, as recommended by the Special Rapporteur;[15]

13. Urges all parties to the Sudan's civil war to seek a negotiated settlement to the conflict immediately and encourages the parties to cooperate with efforts by the Inter-Governmental Authority on Development to assist the warring parties to put an end to the conflict and hasten a return of Sudanese refugees residing in neighbouring countries;

14. Reiterates its call upon the Government of the Sudan to ensure a full, thorough and prompt investigation by an independent judicial commission of inquiry into the killings of Sudanese nationals employed by foreign relief organizations and foreign Governments;

15. Urges the Government of the Sudan to cooperate fully with all United Nations agencies, international humanitarian organizations, human rights

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[13] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[14] Ibid., vol. 1125, Nos. 17512 and 17513.

[15] A/51/490, annex, para. 52 (d).

organizations and independent observers in order to improve the situation of human rights in the Sudan, as recommended by the Special Rapporteur;[16]

16. Welcomes the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur for an additional year;

17. Requests the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance in the discharge of his mandate;

18. Welcomes the approaches to the Special Rapporteurs of the Commission on Human Rights by the Government of the Sudan, and again calls upon the Government of the Sudan to extend its full and unreserved cooperation to the Special Rapporteur and to thematic Special Rapporteurs and to assist them in the ongoing discharge of their mandates and, to this end, to take all necessary steps to ensure that the Special Rapporteurs have free and unlimited access to the whole territory of the Sudan and to any person in the Sudan with whom they wish to meet, with no threats or reprisals;

19. Recommends the continued monitoring of the serious human rights situation in the Sudan and of the regional efforts to end the hostilities and human suffering in the south, and invites the Commission on Human Rights, at its fifty-third session, to give urgent attention to the situation of human rights in the Sudan;

20. Decides to continue its consideration of this question at its fifty-second session.

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[16] Ibid., para. 52 (e).

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THIRD COMMITTEE
Agenda item 110 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Armenia, Austria, Belarus, Brazil, Canada, Costa Rica, Germany, Greece, Guatemala, Hungary, Israel, Italy, Malta, Philippines, Republic of Korea, Romania, Slovenia and Venezuela: draft resolution

Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993,

Bearing in mind the relevant resolutions of the Commission on Human Rights concerning advisory services in the field of human rights, including its most recent resolution on that subject, 1996/55 of 19 April 1996,

Bearing in mind also the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1]

[1] Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/42 (Part I)), chap. III.

Reaffirming that regional arrangements play a fundamental role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection,

Recalling that the World Conference on Human Rights reiterated the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling also that the World Conference recommended that more resources should be made available for the strengthening or the establishment of regional arrangements for the promotion and protection of human rights under the programmes of advisory services and technical assistance of the Centre for Human Rights of the Secretariat,

Having considered the report of the Secretary-General,[2]

Noting the progress achieved so far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Noting the growing exchanges between the United Nations and the bodies created by the United Nations in accordance with the treaties dealing with human rights on the one hand and the intergovernmental regional organizations on the other in order to promote the mutual exchange of information between these bodies and the conclusion of regional arrangements for the promotion and the protection of human rights,

1. Takes note of the report of the Secretary-General;

2. Welcomes the continuing cooperation and assistance of the United Nations High Commissioner for Human Rights and the Centre for Human Rights of the Secretariat in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular with regard to advisory services and technical assistance, public information and education, with a view to exchanging information and experience in the field of human rights;

3. Welcomes also, in that respect, the close cooperation of the High Commissioner and the Centre for Human Rights in the organization of regional and subregional training courses and workshops in the field of human rights, high-level government expert meetings and a regional conference of national human rights institutions, aiming at creating greater understanding of the promotion and protection of human rights issues in the regions, improving procedures and examining the various systems for the promotion and protection of the universally accepted human rights standards and at inviting States that have not yet done so to submit instruments of ratification, adhesion or succession to the principal international human rights bodies;

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[2] A/51/480.

4. Stresses the importance of the programme of advisory services in the field of human rights, and renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under this programme, of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with several Governments of the region of Asia and the Pacific;

5. Requests the Secretary-General, as foreseen in programme 35, Promotion and protection of human rights, of the medium-term plan for the period 1992-1997,[3] to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights;

6. Welcomes the growing exchanges between the High Commissioner and the Centre for Human Rights and several regional intergovernmental organizations, as well as between the bodies created by the United Nations in accordance with the treaties dealing with human rights and the Council of Europe;

7. Invites States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

8. Requests the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, relevant recommendations;

9. Requests the Secretary-General to submit to the General Assembly at its fifty-third session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of the present resolution;

10. Decides to consider this question further at its fifty-third session.

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[3] See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6 (A/45/6/Rev.1), vol. II.

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THIRD COMMITTEE
Agenda item 110 (c)

HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Australia, Austria, Belgium, Canada, Costa Rica, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Marshall Islands, Monaco, Netherlands, Norway, Portugal, Romania, San Marino, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America and Uzbekistan: draft resolution

Situation of human rights in Cuba

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights[1] and other applicable human rights instruments,

Noting that Cuba is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[2]

Reaffirming also that all States have an obligation to fulfil the commitments they have freely undertaken under the various international instruments,

[1] Resolution 217 A (III).

[2] Resolution 39/76, annex.

Taking particular note of Commission on Human Rights resolution 1996/69 of 23 April 1996,[3] in which the Commission recognized with deep appreciation the past efforts of the Special Rapporteur concerning the situation of human rights in Cuba and extended his mandate for one year,

Expressing concern about continuing serious violations of human rights in Cuba, the majority of which are violations of civil and political rights, as outlined in the interim report on the situation of human rights in Cuba submitted to the General Assembly by the Special Rapporteur,[4]

Deploring, in this regard, the arbitrary arrest, detention and harassment of Cuban citizens, particularly of members of the Concilio Cubano, a group coordinating the activities of dozens of human rights groups, seeking to exercise their human rights and fundamental freedoms,

Recalling the continued refusal of the Government of Cuba to cooperate with the Commission on Human Rights with regard to its resolution 1996/69, including its repeated opposition to a visit to Cuba by the Special Rapporteur,

1. Commends the Special Rapporteur of the Commission on Human Rights for his interim report on the situation of human rights in Cuba;

2. Expresses its full support for the work of the Special Rapporteur;

3. Calls once more upon the Government of Cuba to cooperate fully with the Special Rapporteur by permitting him full and free access to establish contact with the Government and the citizens of Cuba so that he may fulfil the mandate entrusted to him;

4. Regrets profoundly the numerous violations of human rights and fundamental freedoms in Cuba, as described in the report of the Special Rapporteur to the Commission on Human Rights[5] and in his interim report;[4]

5. Urges the Government of Cuba to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing political parties and non-governmental organizations to function freely in the country and by reforming legislation in this area;

6. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur, who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

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[3] See Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/231), chap. II, sect. A.

[4] A/51/460, annex.

[5] E/CN.4/1996/60.

7. Calls upon the Government of Cuba to carry out the recommendations contained in the interim report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms in Cuba into conformity with international standards and applicable international human rights instruments and to end all violations of human rights including, in particular, the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to its prisons to non-governmental humanitarian organizations and international humanitarian agencies;

8. Decides to continue its consideration of this question at its fifty-second session.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Albania, Australia, Bulgaria, Canada, Czech Republic, Hungary, Iceland, Liechtenstein, Malta, Monaco, New Zealand, Norway and Slovenia: draft resolution

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the Convention on the Prevention and Punishment of the Crime of Genocide[3] and other applicable standards of human rights and humanitarian law,

Recalling its resolutions 50/57 of 12 December 1995 and 50/200 of 22 December 1995, and taking note of Security Council resolutions 1050 (1996) of 8 March 1996, 1078 (1996) of 9 November 1996 and 1080 (1996) of 15 November 1996, and of Commission on Human Rights resolution 1996/76 of 23 April 1996,

Deeply concerned by the reports of the Special Rapporteur of the Commission on Human Rights and of the Human Rights Field Operation in Rwanda that genocide and systematic and widespread violations of international humanitarian law,

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXII), annex.

[3] United Nations, Treaty Series, vol. 212, No. I-2861.

including crimes against humanity and grave violations and abuses of human rights, were committed in Rwanda,

Recognizing that effective action must be taken to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice, and noting in this regard that legislation to govern the prosecution of those accused of genocide or crimes against humanity entered into force on 1 September 1996,

Noting with concern the implications of the current humanitarian crisis in the region,

Welcoming the fact that considerable numbers of refugees have recently returned to Rwanda, and affirming the readiness of the international community to assist the Government of Rwanda in reintegrating these returnees,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda, and that a strengthened human rights component is indispensable to the peace process and post-conflict reconstruction of Rwanda,

Welcoming contributions made by Member States and the European Union to the costs of the Human Rights Field Operation in Rwanda,

Welcoming also the commitment of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, to eliminate impunity and to facilitate the process of the voluntary and safe return, resettlement and reintegration of refugees, as reaffirmed in the agreements reached at Nairobi, Bujumbura and Cairo in 1995 and at Tunis and Arusha in 1996, and urging Governments in the region to work, in cooperation with the international community, to find durable solutions to the refugee crisis,

Stressing its concern that the United Nations should continue to play an active role in assisting the Government of Rwanda in facilitating the return of refugees and the reintegration of returnees, in promoting reconciliation, in consolidating a climate of confidence and stability, and in promoting the rehabilitation and reconstruction of Rwanda,

Reaffirming the link between the voluntary return of refugees to their homes and the normalization of the situation in Rwanda, and concerned that acts of intimidation and violence directed against refugees, particularly by the former Rwandan authorities, have prevented refugees from returning to their homes,

Noting the United Nations support for all efforts to reduce tension and restore stability in the Great Lakes region, including initiatives of the Organization of African Unity, States in the region and international organizations, and reiterating the urgent need for an international conference on peace, security and development in the Great Lakes region, under the auspices of the United Nations and the Organization of African Unity, to address the problems of the region in a comprehensive manner,

1. Welcomes the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda[4] and the report of the Special Rapporteur of the Commission on Human Rights;[5]

I

2. Condemns in the strongest terms the acts of genocide, violations of international humanitarian law and all violations and abuses of human rights that have taken place in Rwanda, as well as cross-border violence in the region;

3. Expresses its deep concern at the intense suffering of the victims of genocide and crimes against humanity, recognizes the ongoing suffering of their survivors, particularly the extremely high number of traumatized children and women victims of rape and sexual violence, and urges the international community to provide adequate assistance to them and to note the priorities identified by the Government of Rwanda in this area;

4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations, and that the international community must exert every effort, in cooperation with national and international tribunals, to bring those responsible to justice, in accordance with international principles of due process;

5. Urges all States to cooperate fully, without delay, with the International Criminal Tribunal for Rwanda, taking into account the obligations contained in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the Tribunal to the greatest extent possible;

II

6. Encourages the further efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, and in this regard welcomes the commitments made by the Government of Rwanda to restore the rule of law and protect and promote respect for human rights and fundamental freedoms;

7. Invites all States, the organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to continue and to intensify their contributions of financial and technical support to accelerate the efforts of the Government of Rwanda to, inter alia, restore the judicial system, promote reconciliation through the recently established Commission for National Reconciliation and safely reintegrate returning refugees in conditions of safety and dignity, including addressing competing claims to housing and property;

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[4] A/51/478.

[5] A/51/657.

8. Expresses grave concern at reports from the Human Rights Field Operation in Rwanda of killings of civilians during attacks on survivors and witnesses of genocide, apparently by militias and insurgents opposed to the Government of Rwanda, and at the reports of the Field Operation which state that civilians have been killed during military search operations by the Rwandese Patriotic Army;

9. Encourages the Government of Rwanda to continue in its efforts to further strengthen the judicial system, including its independence, and urges in particular that the processing of the cases of those in detention be brought to a conclusion expeditiously;

10. Notes with deep concern the reports of the Human Rights Field Operation in Rwanda which state that government officials without legal authority to arrest or imprison continue to do so in several parts of the country, that detainees are held for very long periods before trial and that acute overcrowding threatens the safety of those in detention;

11. Encourages the further efforts of the Government of Rwanda to involve, without any discrimination, all citizens not responsible for genocide or other grave violations of international humanitarian law in its administrative, judicial, political and security structures;

12. Welcomes the efforts of the Government of Rwanda, neighbouring countries, the Office of the United Nations High Commissioner for Refugees and the international community to resolve the ongoing humanitarian crisis, and calls upon all parties to take all appropriate measures to ensure the return, resettlement and reintegration of former refugees in conditions of safety and dignity;

13. Commends and encourages the efforts of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees as well as the United Nations Development Programme and other United Nations offices and organizations to coordinate their efforts to ensure respect for and protection of the human rights of refugees during their return, resettlement and reintegration;

III

14. Welcomes the measures taken by the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to put in place the Human Rights Field Operation in Rwanda, the objectives of which were described in Assembly resolution 50/200, and requests the High Commissioner to continue to report regularly on the activities of the Field Operation and to continue to cooperate and share information with the Special Rapporteur, in order to assist him in fulfilling his mandate;

15. Welcomes also the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights, the Special Rapporteur and the Human Rights Field Operation in Rwanda and the acceptance by the Government of Rwanda of the deployment of human rights field officers throughout the country;

16. Commends the contribution of human rights officers and the United Nations High Commissioner for Human Rights to the promotion and protection of human rights in Rwanda, recognizes that a strong human rights component is an integral and indispensable element of the United Nations response to the situation in Rwanda, and encourages all agencies and organizations of the United Nations system active in Rwanda to coordinate closely with the Field Operation;

17. Recognizes the importance of the United Nations Human Rights Field Operation in Rwanda in contributing to reconciliation and the establishment of confidence in the country, and recommends the strengthening of its presence throughout Rwanda as well as the allocation of sufficient funds and logistical support for that purpose, taking into account the need to train local human rights observers and deploy a sufficient number of human rights field officers, and the need of the Government of Rwanda and Rwandan human rights organizations for programmes of technical assistance and advisory services;

18. Calls upon all States to respond to the appeal of the United Nations High Commissioner for Human Rights and contribute urgently to the costs of the Human Rights Field Operation in Rwanda and to work for lasting solutions to its financing problems through the regular budget of the United Nations;

19. Requests the United Nations High Commissioner for Human Rights to report on the activities of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-third session, and to the General Assembly at its fifty-second session.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Albania, Australia, Bulgaria, Canada, Czech Republic, Hungary, Iceland, Liechtenstein, Malta, Monaco, New Zealand, Norway and Slovenia: revised draft resolution

Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the Convention on the Prevention and Punishment of the Crime of Genocide[3] and other applicable standards of human rights and humanitarian law,

Recalling its resolutions 50/57 of 12 December 1995 and 50/200 of 22 December 1995, and taking note of Security Council resolutions 1050 (1996) of 8 March 1996, 1078 (1996) of 9 November 1996 and 1080 (1996) of 15 November 1996, and of Commission on Human Rights resolution 1996/76 of 23 April 1996,

Deeply concerned by the reports of the Special Rapporteur of the Commission on Human Rights and of the Human Rights Field Operation in Rwanda that genocide and systematic and widespread violations of international humanitarian law, including crimes against humanity and grave violations and abuses of human rights, were committed in Rwanda,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXII), annex.

[3] United Nations, Treaty Series, vol. 212, No. I-2861.

Recognizing that effective action must be taken to ensure that the perpetrators of genocide and crimes against humanity are promptly brought to justice, and noting in this regard that legislation to govern the prosecution of those accused of genocide or crimes against humanity entered into force on 1 September 1996,

Noting with concern the implications of the current humanitarian crisis in the region,

Welcoming the fact that considerable numbers of refugees have recently returned to Rwanda, and affirming the readiness of the international community to assist the Government of Rwanda in reintegrating these returnees,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall Rwandan and United Nations responses to the situation in Rwanda, and that a strengthened human rights component is indispensable to the peace process and post-conflict reconstruction of Rwanda,

Welcoming contributions made by Member States and the European Union to the costs of the Human Rights Field Operation in Rwanda,

Welcoming also the commitment of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, to eliminate impunity and to facilitate the process of the voluntary and safe return, resettlement and reintegration of refugees, as reaffirmed in the agreements reached at Nairobi, Bujumbura and Cairo in 1995 and at Tunis and Arusha in 1996, and urging Governments in the region to work, in cooperation with the international community, to find durable solutions to the refugee crisis,

Stressing its concern that the United Nations should continue to play an active role in assisting the Government of Rwanda in facilitating the voluntary and orderly return of refugees and the reintegration of returnees, in promoting reconciliation, in consolidating a climate of confidence and stability, and in promoting the rehabilitation and reconstruction of Rwanda,

Reaffirming the link between the voluntary return of refugees to their homes and the normalization of the situation in Rwanda, and concerned that acts of intimidation and violence directed against refugees, particularly by the former Rwandan authorities, have prevented refugees from returning to their homes,

Noting the United Nations support for all efforts to reduce tension and restore stability in the Great Lakes region, including initiatives of the Organization of African Unity, States in the region and international organizations, and reiterating the urgent need for an international conference on peace, security and development in the Great Lakes region, under the auspices of the United Nations and the Organization of African Unity, to address the problems of the region in a comprehensive manner,

1. Welcomes the report of the United Nations High Commissioner for Human Rights on the Human Rights Field Operation in Rwanda[4] and the report of the Special Rapporteur of the Commission on Human Rights;[5]

I

2. Condemns in the strongest terms the acts of genocide, violations of international humanitarian law and all violations and abuses of human rights that have taken place in Rwanda, as well as cross-border violence in the region;

3. Expresses its deep concern at the intense suffering of the victims of genocide and crimes against humanity, recognizes the ongoing suffering of their survivors, particularly the extremely high number of traumatized children and women victims of rape and sexual violence, and urges the international community to provide adequate assistance to them and to note the priorities identified by the Government of Rwanda in this area;

4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations, and that the international community must exert every effort, in cooperation with national and international tribunals, to bring those responsible to justice, in accordance with international principles of due process;

5. Urges all States to cooperate fully, without delay, with the International Criminal Tribunal for Rwanda, taking into account the obligations contained in Security Council resolutions 955 (1994) of 8 November 1994 and 978 (1995) of 27 February 1995, and encourages the Secretary-General to facilitate the activities of the Tribunal to the greatest extent possible;

II

6. Encourages the further efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, economic and human rights infrastructure of Rwanda, and in this regard welcomes the commitments made by the Government of Rwanda to restore the rule of law and protect and promote respect for human rights and fundamental freedoms;

7. Invites all States, the organizations and bodies of the United Nations system and intergovernmental and non-governmental organizations to continue and to intensify their contributions of financial and technical support to accelerate the efforts of the Government of Rwanda to, inter alia, restore the judicial system, promote reconciliation through the recently established Commission for National Reconciliation and safely reintegrate returning refugees in conditions of safety and dignity, including addressing competing claims to housing and property;

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[4] A/51/478.

[5] A/51/657.

8. Notes with concern the human rights situation in Rwanda as described in the report of the Special Rapporteur, and urges the Government of Rwanda to take all necessary measures in response to the recommendations therein;

9. Expresses grave concern at reports from the Human Rights Field Operation in Rwanda of killings of civilians during attacks on survivors and witnesses of genocide, apparently by militias and insurgents opposed to the Government of Rwanda, and at the reports of the Field Operation which state that civilians have been killed during military search operations by the Rwandese Patriotic Army;

10. Encourages the Government of Rwanda to continue in its efforts to further strengthen the judicial system, including its independence, and urges in particular that the processing of the cases of those in detention be brought to a conclusion expeditiously;

11. Notes with deep concern the reports of the Human Rights Field Operation in Rwanda which state that government officials without legal authority to arrest or imprison continue to do so in several parts of the country, that detainees are held for very long periods before trial and that acute overcrowding threatens the safety of those in detention;

12. Invites the Government of Rwanda to continue efforts to involve, without any discrimination, all citizens not responsible for genocide or other grave violations of international humanitarian law in its administrative, judicial, political and security structures;

13. Emphasizes the importance it attaches to the safety and security of all people in Rwanda, including United Nations personnel and other international staff serving in the country;

14. Welcomes the efforts of the Government of Rwanda, neighbouring countries, the Office of the United Nations High Commissioner for Refugees and the international community to resolve the ongoing humanitarian crisis, and calls upon all parties to take all appropriate measures to ensure the return, resettlement and reintegration of former refugees in conditions of safety and dignity;

15. Commends and encourages the efforts of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees as well as the United Nations Development Programme and other United Nations offices and organizations to coordinate their efforts to ensure respect for and protection of the human rights of refugees during their return, resettlement and reintegration;

III

16. Welcomes the measures taken by the United Nations High Commissioner for Human Rights, working in cooperation with and assisting the Government of Rwanda, to put in place the Human Rights Field Operation in Rwanda, the objectives of which were described in Assembly resolution 50/200, and requests the High Commissioner to continue to report regularly on the activities of the

Field Operation and to continue to cooperate and share information with the Special Rapporteur, in order to assist him in fulfilling his mandate;

17. Welcomes also the cooperation the Government of Rwanda has extended to the United Nations High Commissioner for Human Rights, the Special Rapporteur and the Human Rights Field Operation in Rwanda and the acceptance by the Government of Rwanda of the deployment of human rights field officers throughout the country and, with a view to further strengthening a climate of mutual confidence and enabling authorities in Rwanda to take immediate action on the findings of the Field Operation, encourages dialogue on human rights issues between the Field Operation and the appropriate authorities at the level of commune, prefecture, and relevant government ministries;

18. Commends the contribution of human rights officers and the United Nations High Commissioner for Human Rights to the promotion and protection of human rights in Rwanda, recognizes that a strong human rights component is an integral and indispensable element of the United Nations response to the situation in Rwanda, and encourages all agencies and organizations of the United Nations system active in Rwanda to coordinate closely with the Field Operation;

19. Recognizes the importance of the United Nations Human Rights Field Operation in Rwanda in contributing to reconciliation and the establishment of confidence in the country, and recommends the strengthening of its presence throughout Rwanda as well as the allocation of sufficient funds and logistical support for that purpose, taking into account the need to train local human rights observers and deploy a sufficient number of human rights field officers, and recognizes also the need for programmes of technical assistance and advisory services for and in consultation with the Government of Rwanda and for Rwandan human rights organizations, and notes in particular the importance of strengthening the institutional capacity of the Rwandan judiciary, and the urgent need for adequate resources in this area;

20. Calls upon all States to respond to the appeal of the United Nations High Commissioner for Human Rights and contribute urgently to the costs of the Human Rights Field Operation in Rwanda and to work for lasting solutions to its financing problems, including through the regular budget of the United Nations;

21. Requests the United Nations High Commissioner for Human Rights to report on the activities of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-third session, and to the General Assembly at its fifty-second session.

UNITED
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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Afghanistan, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of) and Libyan Arab Jamahiriya: draft resolution

Human rights and unilateral coercive measures

The General Assembly,

Recalling the purposes and principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it is declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Taking note of the report submitted by the Secretary-General pursuant to Commission on Human Rights resolution 1995/45,[1]

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral coercive measure not in accordance with

[1] E/CN.4/1996/45 and Add.1.

international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,[2]

Bearing in mind all the references to this question in the Copenhagen Declaration on Social Development of the World Social Summit, adopted by the World Summit on 12 March 1995,[3] the Beijing Declaration and the Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995,[4] and the Istanbul Declaration on Human Settlements and the Habitat Agenda, adopted by the United Nations Conference on Human Settlements (Habitat II) on 14 June 1996,[5]

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences, and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative extraterritorial effects, inter alia, on the economic and social development of targeted countries and peoples and individuals under the jurisdiction of other States,

1. Urges all States to refrain from adopting or implementing any unilateral measure not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with all their negative extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[6] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects coercive extraterritorial measures as tools for political or economic pressure against any country, in particular against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, inter alia, children, women and the elderly;

3. Calls upon Member States that have initiated such measures to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are party by revoking such measures at the earliest time possible;

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[2] A/CONF.157/24 (Part 1), chap. III, sect. II, para. 31.

[3] A/CONF.166/9, chap. I, resolution 1, annexes I and II.

[4] A/CONF.177/20, chap. I, resolution 1, annexes I and II.

[5] A/CONF.165/14, chap. I, resolution 1, annexes I and II.

[6] Resolution 217 A (III).

4. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

5. Urges the Commission on Human Rights to take fully into account the negative impact of unilateral coercive measures, including enactment of national laws and their extraterritorial application, in its task concerning the implementation of the right to development;

6. Requests the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development to give urgent consideration to the present resolution in his annual report to the General Assembly;

7. Requests Member States to notify the Secretary-General about the implications and negative effects of such measures on their populations in the various aspects referred to in the present resolution;

8. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution;

9. Decides to examine this question, on a priority basis, at its fifty-second session under the sub-item entitled "Human rights questions including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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Agenda item 110 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Albania, Algeria, Australia, Bangladesh, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Burundi, Chile, Guyana, Iceland, Japan, Jordan, Malaysia, Malta, Morocco, Oman, Pakistan, San Marino, Saudi Arabia, Senegal, Slovenia, Tunisia, Turkey, United Arab Emirates and Uruguay: draft resolution

Rape and abuse of women in the areas of armed conflict in the former Yugoslavia

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] the Convention on the Prevention and Punishment of the Crime of Genocide,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child[6] and

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 260 A (III).

[4] Resolution 39/46, annex.

[5] Resolution 34/180, annex.

[6] Resolution 44/25, annex.

other instruments of human rights and international humanitarian law, including the Geneva Conventions of 12 August 1949[7] and the Additional Protocols thereto, of 1977,[8]

Recalling its resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity", as well as Commission on Human Rights resolution 1994/77 of 9 March 1994,[9] General Assembly resolutions 48/143 of 20 December 1993, 49/205 of 23 December 1994 and 50/192 of 22 December 1995, and relevant resolutions of the Commission on the Status of Women,

Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992, in which, inter alia, the Council strongly condemned those acts of unspeakable brutality,

Welcoming the General Framework Agreement for Peace in Bosnia and Herzegovina signed in Paris on 14 December 1995[10] as a key mechanism for achieving a durable and just peace in Bosnia and Herzegovina,

Taking note of the previous report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, regarding rape and abuse of women in the territory of the former Yugoslavia, particularly in Bosnia and Herzegovina, which, inter alia, states that only sporadic cases of rape and sexual violence have occurred since the previous report of the Secretary-General,[11]

Convinced that the heinous practice of rape which has been used in fulfilling the policy of ethnic cleansing constitutes a deliberate weapon of war, and noting its resolution 47/121 of 18 December 1992, in which it stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

Desirous of ensuring that persons accused of authorizing, aiding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice without further delay by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, where appropriate,

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[7] United Nations Treaty Series, vol. 75, Nos. 970-973.

[8] Ibid., vol. 1125, Nos. 17512 and 17513.

[9] Official Records of the Economic and Social Council, 1994, Supplement No. 4 and corrigendum (E/1994/24 and Corr.1), chap. II, sect. A.

[10] A/50/790-S/1995/999.

[11] A/50/329.

Underlining, in this context, the need for the protection of the rape ictims and the provision of effective guarantees of privacy and confidentiality f the rape victims, and desirous of facilitating their participation in the roceedings of the International Tribunal and ensuring that further raumatization will be prevented,

Deeply alarmed at the situation facing victims of rape in armed conflicts n different parts of the world and any use of rape as a weapon of war, in articular in the Republic of Bosnia and Herzegovina,

Noting with appreciation the efforts of Governments and the work of the nited Nations High Commissioner for Refugees, the United Nations High ommissioner for Human Rights, the United Nations Educational, Scientific and ultural Organization, the World Health Organization, humanitarian rganizations, and non-governmental organizations aimed at supporting the ictims of rape and abuse and alleviating their suffering,

Welcoming the report of the Secretary-General of 25 October 1996,[12] ubmitted pursuant to resolution 50/192,

1. Strongly condemns the abhorrent practice of rape and abuse of women nd children in the areas of armed conflict in the former Yugoslavia which onstitutes a war crime;

2. Expresses its outrage that the deliberate and systematic practice of ape has been used as a weapon of war and an instrument of ethnic cleansing gainst women and children in the Republic of Bosnia and Herzegovina;

3. Reaffirms that rape in the conduct of armed conflict constitutes a war rime and that under certain circumstances it constitutes a crime against umanity and an act of genocide as defined in the Convention on the Prevention nd Punishment of the Crime of Genocide, and calls upon States to take all easures required for the protection of women and children from such acts and to trengthen mechanisms to investigate and punish all those responsible and bring he perpetrators to justice;

4. Also reaffirms that all persons who perpetrate or authorize crimes gainst humanity or other violations of international humanitarian law are ndividually responsible for those violations and that those in positions of uthority who have failed to ensure that persons under their control comply with he relevant international instruments are accountable, together with the erpetrators;

5. Reminds all States of their obligation to cooperate with the nternational Tribunal for the Prosecution of Persons Responsible for Serious iolations of International Humanitarian Law Committed in the Territory of the ormer Yugoslavia since 1991 in the investigation and prosecution of persons ccused of using rape as a weapon of war;

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[12] A/51/557.

6. Calls upon States to put experts, including experts in the prosecution of crimes of sexual violence, as well as adequate resources and services, at the disposal of the Tribunal;

7. Urges all States and relevant organizations to continue to give serious consideration to the recommendations in the reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the former Yugoslavia, in particular the recommendation concerning provision for the continuation of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and children traumatized by war, as well as the provision of protection, counselling and support to victims and witnesses;

8. Recognizes the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims, and expresses its concern, in particular, for the welfare of those victims who are currently among the internally displaced or otherwise affected by the war and who have experienced severe trauma and require psychosocial and other assistance;

9. Also urges all States and all relevant intergovernmental and non-governmental organizations, as well as the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, to continue to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation and to extend their support to the community-based assistance programmes;

10. Demands that the parties cooperate fully with the International Committee of the Red Cross, the United Nations High Commissioner for Human Rights, the Special Rapporteur of the Commission on Human Rights and her staff, as well as other mechanisms of the Commission on Human Rights, the United Nations High Commissioner for Refugees, the monitoring and other missions of the European Union and the Organization for Security and Cooperation in Europe;

11. Encourages the Special Rapporteur to continue to pay particular attention to this question, particularly in the Republic of Bosnia and Herzegovina;

12. Requests the Secretary-General to submit a report, as appropriate, to the General Assembly at its fifty-second session on the implementation of the present resolution;

13. Decides to continue its consideration of this question at its fifty-second session.

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HUMAN RIGHTS QUESTIONS: COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION

Afghanistan, Angola, Argentina, Armenia, Australia, Austria, Bangladesh, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Cyprus, Denmark, El Salvador, Ethiopia, Fiji, Finland, Germany, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Malta, Marshall Islands, Micronesia (Federated States of), Namibia, Nepal, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and Venezuela: draft resolution

The General Assembly,

Recalling its resolution 48/121 of 20 December 1993, in which it endorsed the Vienna Declaration and Programme of Action,[1] adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, as well as its subsequent resolutions on this matter,

Reaffirming the view of the World Conference on Human Rights that the promotion and protection of human rights is a matter of priority for the international community,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the

[1] A/CONF.157/24 (Part I), chap. III.

Charter of the United Nations and one of the main priorities of the Organization,

Convinced that the Vienna Declaration and Programme of Action has to be translated into effective action by States, the competent United Nations organs and organizations and other organizations concerned, including non governmental organizations,

Recognizing the importance of dialogue and cooperation between Governments and non-governmental organizations in the field of human rights,

Recalling the request of the Conference to the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations,

Recalling also part II, paragraph 100, of the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights requested the Secretary-General to invite, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, all States and all organs and agencies of the United Nations system related to human rights to report to him on the progress made in the implementation of the Vienna Declaration and Programme of Action and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council,

Recalling further that regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, may present their views to the Secretary-General on the progress made in the implementation of the Vienna Declaration and Programme of Action and that special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations,

Recalling that in its resolution 48/141 of 20 December 1993 the General Assembly decided to create the post of United Nations High Commissioner for Human Rights as the United Nations official with principal responsibility for United Nations human rights activities, including coordination of the human rights promotion and protection activities throughout the United Nations system,

Noting that, at the first regular session of 1994 of the Administrative Committee on Coordination, in April 1994, the executive heads of all United Nations agencies discussed the implications of the results of the Conference for their respective programmes and committed themselves to supporting the United Nations High Commissioner for Human Rights in the coordination of the United Nations organs, bodies and the specialized agencies whose activities deal with human rights, as set out in resolution 48/141,

Recognizing that the interdependence of democracy, development and respect for human rights, as stated in the Vienna Declaration and Programme of Action, requires a comprehensive and integrated approach to the promotion and protection of human rights and that adequate inter-agency cooperation and coordination are

essential in order to ensure such a fully integrated approach throughout the United Nations system,

Noting that the High Commissioner for Human Rights has established a permanent dialogue with the United Nations programmes and agencies whose activities deal with human rights in order to maintain systematic exchanges of information, experience and expertise

Welcoming the fact that the call of the World Conference on Human Rights for a United Nations system-wide approach to human rights issues has been reflected in the recommendations of major international conferences organized by the United Nations in the economic, social and related fields,

Noting the ongoing efforts to ensure a coordinated follow-up to major international conferences in the economic, social and related fields,

Recalling that each year the Economic and Social Council shall carry out, within the framework of its coordination segment, a review of cross-cutting themes common to major international conferences and/or contribute to an overall review of the implementation of the programme of action of a United Nations conference, in accordance with the agreed conclusions 1995/1 of the Economic and Social Council,[2]

Having considered the report of the High Commissioner for Human Rights,[3] in particular chapter IX, entitled "1998: Human Rights Year",

1. Reaffirms the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations, as expressed in the Vienna Declaration and Programme of Action;

2. Reaffirms also the views of the World Conference on Human Rights on the urgency of eliminating denials and violations of human rights;

3. Recognizes that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

4. Calls upon all States to take further action with a view to the full realization of all human rights in the light of the recommendations of the Conference;

5. Urges all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action, including through training

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[2] See Official Records of the General Assembly, Fiftieth Session, Supplement No. 3 (A/50/3), chap. III, para. 22.

[3] Ibid., Fifty-first Session, Supplement No. 36 (A/51/36).

programmes, human rights education and public information, in order to promote increased awareness of human rights and fundamental freedoms;

6. Requests the United Nations High Commissioner for Human Rights, the General Assembly and the Commission on Human Rights and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the Conference;

7. Reiterates the request of the Conference that immediate steps be taken to increase substantially the resources for the human rights programme from within existing and future regular budgets of the United Nations;

8. Requests the High Commissioner for Human Rights to continue to coordinate the human rights promotion and protection activities throughout the United Nations system, as set out in resolution 48/141, including through a permanent dialogue with the United Nations agencies and programmes whose activities deal with human rights;

9. Invites the Administrative Committee on Coordination to continue to discuss the implications of the Vienna Declaration and Programme of Action for the United Nations system, with the participation of the High Commissioner for Human Rights;

10. Takes note of the intention of the High Commissioner to invite all States and all organs and agencies of the United Nations system related to human rights to carry out a thorough evaluation of the implementation of the Vienna Declaration and Programme of Action, as part of the five-year review foreseen in part II, paragraph 100, of the Vienna Declaration and Programme of Action;

11. Welcomes the inter-agency consultations of the High Commissioner with all United Nations programmes and agencies whose activities deal with human rights for the preparations of the 1998 five-year review, and calls upon them to contribute actively to this process;

12. Encourages regional and national human rights institutions as well as non-governmental organizations to present, on this occasion, their views on the progress made in the implementation of the Vienna Declaration and Programme of Action;

13. Welcomes and supports Economic and Social Council decision 1996/283 of 24 July 1996, in which the Council endorsed the recommendation of the Commission on Human Rights to consider devoting the coordination segment at its substantive session of 1998 to the question of the coordinated follow-up to, and implementation of, the Vienna Declaration and Programme of Action as part of the 1998 five-year review foreseen in part II, paragraph 100, of the Vienna Declaration and Programme of Action;

14. Requests the High Commissioner to continue to report on the measures taken and the progress achieved in the comprehensive implementation of the Vienna Declaration and Programme of Action, in particular concerning the preparation of the 1998 five-year review;

15. Decides to consider this question at its fifty-second session under the sub-item entitled "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action".

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Albania, Andorra, Bosnia and Herzegovina, Bulgaria, Czech Republic, Hungary, Israel, Liechtenstein, Morocco, Pakistan, Saudi Arabia, Slovenia, Tunisia, Turkey and United States of America: draft resolution

Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and all other human rights instruments and instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of victims of war[3] and the Additional Protocols thereto, of 1977,[4] as well as the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, Treaty Series, vol. 75, Nos. I-970 to I-973.

[4] Ibid., vol. 1125, Nos. I-17512 and I-17513.

have under the human rights instruments to which they are party, and reaffirming also the obligation of all to respect international humanitarian law,

Welcoming the entry into force and implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina (the "Framework Agreement") and annexes thereto, initialled at Dayton, Ohio, on 21 November 1995 and signed by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), representing also the Bosnian Serb party, at Paris, on 14 December 1995 (together, the "Peace Agreement"),[5] which, inter alia, committed the parties in Bosnia and Herzegovina to respect fully human rights,

Welcoming also the efforts of Member States in assisting in the implementation of the Peace Agreement through their participation in the Implementation Force and other activities directed at resolving the conflicts in the former Yugoslavia, and commending the Organization for Security and Cooperation in Europe for the implementation of the mandates with which it was entrusted by the Peace Agreement,

Welcoming further the basic agreement on the region of Eastern Slavonia, Baranja and Western Sirmium (the "Basic Agreement"),[6] signed on 12 November 1995 by the Government of the Republic of Croatia and the local Serb representatives, which created conditions permitting the establishment of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and Security Council resolution 1037 (1996) of 15 January 1996, by which the Council established the Transition Administration,

Welcoming the participation of Member States in the Transition Administration and other activities intended to facilitate implementation of the Basic Agreement and the transition of the region of Eastern Slavonia, Baranja and Western Sirmium from local Serb control to control by the Republic of Croatia,

Recognizing the positive effects that the implementation of the Peace Agreement and the Basic Agreement have had on the region since their respective entry into force, in particular the return of peace to the region and the increasing normalization of social, political and economic life,

Noting the Agreement on normalization of relations between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),[7] in particular article 7 thereof, which, inter alia, ensures conditions for the

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[5] See A/50/790-S/1995/999; see Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995, document S/1995/999.

[6] See A/50/757-S/1995/951; see Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December 1995, document S/1995/951.

[7] A/51/318-S/1996/706, annex, and A/51/351-S/1996/744, annex.

return of refugees and displaced persons and the return of their property or a just compensation, and in that context stressing the positive impact of mutual recognition agreements among successor States of the former Yugoslavia,

Welcoming the holding of elections in the Republic of Bosnia and Herzegovina on 14 September 1996 with the assistance of the Organization for Security and Cooperation in Europe and other organizations,

Gravely concerned nonetheless at the continuing evidence of violations of human rights and fundamental freedoms taking place in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro),

Stressing the importance of an effective functioning of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to Security Council resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993, for the positive development of the situation of human rights in the region,

Acknowledging the progress made by the Federation of Bosnia and Herzegovina towards ethnic reconciliation in the region,

Calling upon the relevant successor States of the former Yugoslavia to implement the necessary measures in the furtherance of ethnic reconciliation in their respective territories,

Encouraging the international community, acting through the United Nations, the World Bank, other international organizations and the European Union as well as bilaterally, to enhance significantly donor support aimed at promoting human rights, economic reconstruction, the voluntary repatriation of refugees and the return of internally displaced persons to their homes in safety and dignity, and the establishment of democratic structures throughout the region,

Underlining the relationship between the fulfilment by the parties of their human rights commitments and the readiness of the international community to commit resources for reconstruction and development,

Dismayed by the large number of missing persons still unaccounted for, particularly in the Republic of Bosnia and Herzegovina and in the Republic of Croatia, and noting with approval the establishment of the International Commission on Missing Persons in the Former Yugoslavia and the efforts of the expert member of the Working Group on Enforced or Involuntary Disappearances and of the working and expert groups on the missing chaired respectively by the International Committee of the Red Cross and by the High Representative,

Expressing its particular concern for the situation of women and also that of children, the elderly and refugees, internally displaced persons and minorities, as well as other vulnerable groups in the region,

Calling attention to the reports and recommendations of the Special Rapporteur of the Commission on Human Rights, Mrs. Elizabeth Rehn, on the

situation of human rights in the territories of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), including her most recent reports of 4[8] and 12[9] November 1996, and especially the recommendations set forth therein,

Acknowledging efforts made by the Governments of the region to meet the recommendations of the Special Rapporteur, which have yet to be implemented fully,

Recalling the report on the situation of human rights in Croatia[10] presented to the Security Council in application of Council resolution 1019 (1995) of 9 November 1995,

Recalling also its resolutions 50/192 and 50/193 of 22 December 1995, Commission on Human Rights resolution 1996/71 of 23 April 1996[11] and all relevant resolutions of the Security Council, especially resolution 1009 (1995) of 10 August 1995,

1. Expresses its serious concern over continuing human rights violations within the Republic of Bosnia and Herzegovina and the delays in fully implementing the human rights provisions of the Peace Agreement;

2. Condemns in the strongest terms the continued forcible expulsion of individuals from their homes in the Republic of Bosnia and Herzegovina, such as has happened recently in Banja Luka and Mostar, and the practice of destroying the homes of those previously forcibly expelled, and calls for the immediate arrest and punishment of individuals engaged in these actions;

3. Condemns the continuing restrictions on freedom of movement within the Republika Srpska, within some parts of the Federation of Bosnia and Herzegovina, and between the Republika Srpska and the Federation;

4. Expresses concern for women and children, especially in the Republic of Bosnia and Herzegovina, who were victims of rape used as a weapon of war, and calls for the perpetrators of rape to be brought to justice while ensuring that victims and witnesses receive adequate assistance and protection;

5. Insists that all parties implement fully the commitments made in the Peace Agreement to protect human rights, and also insists that the parties act to promote and protect democratic institutions of government at all levels in their respective countries, to ensure freedom of expression and of the media, to allow and encourage freedom of association, including with respect to political

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[8] A/51/651-S/1996/902.

[9] A/51/663-S/1996/927.

[10] S/1996/691.

[11] See Official Records of the Economic and Social Council, 1996, Supplement No. 3 (E/1996/23), chap. II, sect. A.

parties, and to ensure freedom of movement and that the parties in the Republic of Bosnia and Herzegovina comply with the human rights provisions of their national Constitution;

6. Welcomes the conclusions of the meeting of the Ministerial Steering Board and of the Presidency of Bosnia and Herzegovina held in Paris on 14 November 1996,[12] in order to define the guiding principles of the civilian consolidation plan of the peace process in Bosnia and Herzegovina, in particular in the field of human rights;

7. Calls upon the Peace Implementation Meeting to be held in London on 6 December 1996 to ensure that the promotion of human rights, including the fulfilment of their respective human rights obligations by the parties to the Peace Agreement, as well as the strengthening of national institutions, will be a central element in the new civilian structure implementing the Peace Agreement;

8. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to undertake substantially greater efforts to institute democratic norms, especially in regard to the protection of free and independent media, and full respect for human rights and fundamental freedoms;

9. Strongly urges the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to revoke all discriminatory legislation and to apply all other legislation without discrimination and to take urgent action to prevent the arbitrary evictions and dismissals and discrimination against any ethnic or national, religious and linguistic group;

10. Urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) take immediate action to put an end to the repression of and prevent violence against non-Serb populations in Kosovo, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention and unfair trials, and also to respect the rights of persons belonging to minority groups in the Sandjak and Vojvodina and of persons belonging to the Bulgarian minority;

11. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to act immediately to allow free determination and full participation by all residents in Kosovo in the political, economic, social and cultural life of the region, particularly in the areas of education and health care, and to ensure that all the residents of the region are guaranteed equal treatment and protection regardless of ethnic affiliation;

12. Calls upon the Government of the Republic of Croatia to fully respect human rights and fundamental freedoms, including the rights of persons belonging to any national, ethnic, religious or linguistic minority;

13. Also calls upon the Government of the Republic of Croatia to undertake greater efforts to adhere to democratic norms, especially in regard to the

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[12] S/1996/968, appendix.

Zagreb city council and the protection of free and independent media, and to cooperate fully with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to assure that the reintegration of Eastern Slavonia occurs peacefully and with respect for the human rights of all residents and returning displaced persons and refugees, including their right to remain, leave or return in safety and dignity;

14. Calls for the full and consistent implementation of the Peace Agreement and the Basic Agreement by all the parties to them;

15. Urges all the parties to the Peace Agreement to create the necessary political, social and economic conditions for the return of refugees and displaced persons in safety and dignity;

16. Insists that all authorities in the Republic of Bosnia and Herzegovina cooperate fully with the Commission on Human Rights for Bosnia and Herzegovina, created under annex 6 to the Peace Agreement, in particular by providing information requested by the Human Rights Ombudsman and by participating in hearings before the Human Rights Chamber, and demands that the Republika Srpska cease its pattern of non-cooperation with the Commission;

17. Calls upon the Commission on Human Rights for Bosnia and Herzegovina to intensify its activities concerning alleged or apparent violations of human rights, or alleged or apparent discrimination of any kind;

18. Welcomes the commitments of the international community for post-war reconstruction and development assistance, and encourages the expansion of this assistance, while noting that such assistance should be conditioned on full compliance by the parties with agreements that have been made;

19. Urges the parties to create the necessary conditions for free and fair municipal elections to be held as soon as possible and as envisaged in the Peace Agreement, under the supervision of the Organization for Security and Cooperation in Europe;

20. Welcomes the enactment by the Republic of Croatia on 20 September 1996 of a new general amnesty law, intended in part to promote confidence on the part of the local Serb population, and calls for the proper implementation of that law;

21. Calls upon the Government of the Republic of Croatia to allow the expeditious return of all refugees and displaced persons and to use all available means to secure their safety and human rights, and to investigate and arrest those responsible for acts of violence and intimidation aimed at driving people away;

22. Strongly condemns the continuing refusal of the authorities of the Republika Srpska, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), certain other elements within the Federation and to some extent the Government of the Republic of Croatia to arrest and surrender indicted war criminals known to be present in their territories, as they have agreed to do under the Peace Agreement;

23. Urgently calls upon all States and all parties to the Peace Agreement to meet their obligations to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, as required by Security Council resolution 827 (1993) of 25 May 1993, including with respect to surrendering persons sought by the International Tribunal, and urges all States and the Secretary-General to support the International Tribunal to the fullest extent possible, in particular, by helping to ensure that persons indicted by the Tribunal stand trial before it;

24. Demands that the authorities of the Republika Srpska and the Governments of the Republic of Bosnia and Herzegovina and of the Federal Republic of Yugoslavia (Serbia and Montenegro) ensure full and free access to their territories to all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations;

25. Welcomes the interim reports[8,9] of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territories of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and commends the Special Rapporteur and the United Nations Human Rights field operation in the former Yugoslavia for their continuing efforts;

26. Urges all parties to implement fully the recommendations of the Special Rapporteur of the Commission on Human Rights;

27. Calls upon the authorities of the States and entities within the mandate of the Special Rapporteur to cooperate with her and to provide her on a regular basis with information about the actions they are undertaking to implement her recommendations;

28. Reaffirms, as recommended previously by the Special Rapporteur, that major reconstruction aid must be made conditional on demonstrated respect for human rights, emphasizes in that context the necessity of cooperation with the International Tribunal, and welcomes in this regard the conclusions of the meeting of the Steering Board and of the Presidency of Bosnia and Herzegovina held in Paris on 14 November 1996;[12]

29. Welcomes the efforts of the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission and the United Nations High Commissioner for Human Rights in monitoring and strengthening the respect for human rights and fundamental freedoms in Bosnia and Herzegovina and the region;

30. Calls upon the parties to the Peace Agreement and the annexes thereto to take immediate steps to determine the identity, the whereabouts and the fate of missing persons, in particular near Srebrenica, Žepa, Prijedor, Sanski Most and Vukovar, including through close cooperation with the International Commission on Missing Persons in the Former Yugoslavia, other international humanitarian organizations and independent experts, and commends the work undertaken by the expert member of the Working Group on Enforced or Involuntary

Disappearances of the Commission on Human Rights, the Special Rapporteur, the Working Group on the process for tracing persons unaccounted for, chaired by the International Committee of the Red Cross, and the Expert Group on Exhumation and Missing Persons, chaired by the High Representative, and stresses the importance of coordinating work in this area;

31. Encourages all Governments to respond favourably to appeals for voluntary contributions for the benefit of the Commission on Human Rights for Bosnia and Herzegovina, the Commission for Real Property Claims of Refugees and Displaced Persons for Bosnia and Herzegovina, the International Commission on Missing Persons in the Former Yugoslavia, the High Commissioner for Human Rights/Centre for Human Rights and other institutions of reconciliation, democracy and justice in the region;

32. Decides to continue its examination of this question at its fifty-second session under the item entitled "Human rights questions".

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Agenda item 110 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Argentina, Austria, Belgium, Bulgaria, Chile, Czech Republic, France, Germany, Greece, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Poland, Portugal, Republic of Moldova, Romania, San Marino, South Africa, Spain, Sweden and United States of America: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Recalling its resolution 50/194 of 22 December 1995,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

Recalling also Commission on Human Rights resolution 1992/58 of 3 March 1992,[3] in which the Commission, inter alia, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Recalling further Commission on Human Rights resolution 1996/80 of 23 April 1996,[4] in which the Commission decided to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar,

Noting with concern that the Government of Myanmar has not yet agreed to visits by a representative of the Secretary-General and by the Special Rapporteur,

Gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling the release without conditions of Nobel Peace Prize Laureate Aung San Suu Kyi on 10 July 1995,

Gravely concerned at the travel and other restrictions placed on Aung San Suu Kyi and other political leaders and at the recent mass arrests of members and supporters of the National League for Democracy for peacefully exercising their right to freedom of expression, assembly and association, and alarmed by the recent aggression committed against Aung San Suu Kyi and other members of the National League for Democracy,

Recalling the withdrawal and subsequent exclusion from the National Convention of members of the National League for Democracy in late 1995,

Regretting the failure of the Government of Myanmar to open a political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups,

Gravely concerned at the continued violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions, killings of civilians, torture, arbitrary arrest and detention, deaths in custody, absence of due process of law, severe restrictions on freedoms of opinion, expression, assembly and association, violations of freedom of movement, forced relocation, forced labour and portering and the

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[3] See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

[4] Ibid., 1996, Supplement No. 3 (E/1996/23), chap. II, sect. A.

imposition of oppressive measures directed in particular at ethnic and religious minorities,

Recalling the observation made by the Special Rapporteur, that the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar,

Recalling also the conclusion of ceasefire agreements between the Government of Myanmar and several ethnic groups,

Noting that the human rights situation in Myanmar has resulted in flows of refugees to neighbouring countries, thus creating problems for the countries concerned,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar for his interim report,[5] and urges the Government of Myanmar to cooperate fully with the Special Rapporteur;

2. Also expresses its appreciation to the Secretary-General for his report;[6]

3. Deplores the continued violations of human rights in Myanmar;

4. Requests the Government of Myanmar to permit unrestricted communication with and physical access to Nobel Peace Prize Laureate Aung San Suu Kyi and other political leaders by members and supporters of the National League for Democracy and to protect their physical well-being;

5. Strongly urges the Government of Myanmar to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

6. Urges the Government of Myanmar to engage, at the earliest possible date, in a substantive political dialogue with Aung San Suu Kyi and other political leaders, including representatives of ethnic groups, as the best means of promoting national reconciliation and the full and early restoration of democracy;

7. Welcomes the discussions between the Government of Myanmar and the Secretary-General, and further encourages the Government of Myanmar to cooperate fully with the Secretary-General in order to allow for a broader dialogue in Myanmar;

8. Again urges the Government of Myanmar, in conformity with its assurances given at various times, to take all necessary steps towards the

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[5] A/51/466.

[6] A/51/660.

restoration of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and to ensure that political parties and non-governmental organizations can function freely;

9. Expresses its concern that most of the representatives duly elected in 1990 are still excluded from participating in the meetings of the National Convention, created to prepare basic elements for the drafting of a new constitution, and that one of its objectives is to maintain the participation of the armed forces in a leading role in the future political life of the State, and notes also with concern that the working procedures of the National Convention do not permit the elected representatives of the people freely to express their views;

10. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to democratically elected representatives;

11. Also strongly urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms, including freedom of expression and assembly, the right to fair trial and the protection of the rights of persons belonging to ethnic and religious minorities, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women, forced labour and forced relocations, and to enforced disappearances and summary executions;

12. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights,[2] and the International Covenant on Economic, Social and Cultural Rights[2] and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;[7]

13. Strongly urges the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29), and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), of the International Labour Organization, and encourages the Government of Myanmar to cooperate more closely with the International Labour Organization;

14. Stresses the importance for the Government of Myanmar to give particular attention to conditions in the country's jails and to allow the International Committee of the Red Cross to communicate freely and confidentially with prisoners;

15. Calls upon the Government of Myanmar and other parties to the hostilities in Myanmar to respect fully the obligations under international humanitarian law, including article 3 common to the Geneva Conventions of

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[7] Resolution 39/46, annex.

12 August 1949,[8] to halt the use of weapons against the civilian population and to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law, and to avail itself of such services as may be offered by impartial humanitarian bodies;

16. Encourages the Government of Myanmar to create the necessary conditions to ensure an end to the movements of refugees to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in conditions of safety and dignity;

17. Requests the Secretary-General to continue his discussions with the Government of Myanmar in order to assist in its efforts for national reconciliation and in the implementation of the present resolution and to report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-third session;

18. Decides to continue its consideration of this question at its fifty-second session.

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[8] United Nations, Treaty Series, vol. 75, Nos. 970-973.